

Amendment No. 1 to HB3753

Jones U
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3595*

House Bill No. 3753

by adding the following new sections immediately preceding SECTION 2 and by renumbering the subsequent section accordingly:

SECTION 2. Tennessee Code Annotated, Section 3-6-107, is amended by deleting subdivision (3) in its entirety and by substituting instead the following:

(3) Issue written advisory opinions to any person subject to the jurisdiction of the commission, provided that the commission is the only entity authorized to issue formal advisory opinions. With respect to an issue addressed in an advisory opinion, any person who conforms that person's behavior to the requirements of the advisory opinion may rely upon the advisory opinion without threat of sanction. However under no circumstances shall a person performing staff duties as an employee of the commission, except as provided in this subdivision, have the authority to issue an advisory opinion, informal or otherwise. A person employed as an attorney by the commission is authorized to give informal opinions, whether verbal, written or by electronic mail, to any person subject to the jurisdiction of the commission. If such attorney gives an informal verbal opinion, the attorney shall, within three (3) business days following the date the informal verbal opinion was given, confirm the verbal opinion in writing to the person to whom the opinion was given. The person who conforms that person's behavior to the requirements of the informal opinion may rely upon such opinion without threat of sanction;

SECTION 3. Tennessee Code Annotated, Section 3-6-308(a), is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) Issue, and publish, upon proper request from any employer or lobbyist or public official, advisory opinions concerning the requirements of this part. However under no circumstances shall a person performing staff duties as an employee of the commission have the authority to issue an advisory opinion, informal or otherwise, except as provided in § 3-6-107(3) concerning the authority of a person employed as an attorney by the commission to give informal opinions in the manner described in such subdivision;